



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

October 10, 1975

The Honorable J. Rush Milam, III
City Attorney
400 N. Second Street
Killeen, Texas 76541

Open Records Decision No. 114

Re: Whether terms of settlement agreement are public information.

Dear Mr. Milam:

You have received a request for information concerning the terms of a settlement agreement between the city and a former employee in regard to a suit for reinstatement and certain pay benefits. You contend that the information is excepted from required public disclosure by section 3(a)(3) of the Open Records Act, article 6252-17a, V. T. C. S. This section excepts from required public disclosure:

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the . . . political subdivision is, or may be, a party. . . that the . . . attorneys of the various political subdivisions. . . [have] determined should be withheld from public inspection. . . .

It is your position that this section excepts the terms of the settlement itself from disclosure, and that an agreed provision of the settlement was that the terms thereof would not be disclosed.

We have previously held that a governmental body has no authority to contract to make information confidential in violation of the Open Records Act. Attorney General Opinion H-258 (1974); Open Records Decisions Nos. 101, 70, 64, 55A (1975). See Open Records Decision No. 95 (1975). Cf. Open Records Decision No. 29 (1974).

While section 3(a)(3) excepts from required public disclosure information relating to "settlement negotiations," we do not believe that this exception extends so far as to except the final terms of the settlement.

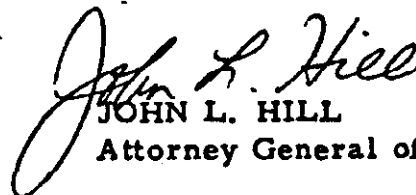
We believe that the terms of a settlement are more in the nature of information specifically made public by section 6(a)(3) which includes:

information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law. . . .

Also, we believe that it is significant that section 6(a)(1) makes reports, audits, evaluations, and investigations public upon completion; section 6(a)(5) makes information used to make estimates concerning the expenditure of public funds public upon completion; and section 6(a)(12) makes public "final opinions. . . as well as orders, made in the adjudication of cases. . . ." See Open Records Decision No. 106 (1975); cf., Courier Journal v. McDonald, 524 S. W. 2d 633 (Ky. 1974).


It is our decision that the terms of a final settlement agreement are public information and are required to be disclosed.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDAL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

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